

478.16 Electric transmission lines — federally registered planning authority transmission plans.

1. As used in [this section](#), unless the context otherwise requires:

a. “*Electric transmission line*” means a high-voltage electric transmission line with a capacity of one hundred kilovolts or more and any associated electric transmission facility, including any substation or other equipment.

b. “*Electric transmission owner*” means an individual or entity who, as of July 1, 2020, owns and maintains an electric transmission line that is required for rate-regulated electric utilities, municipal electric utilities, and rural electric cooperatives in this state to provide electric service to the public for compensation.

c. “*Incumbent electric transmission owner*” means any of the following:

(1) A public utility or a municipally owned utility that owns, operates, and maintains an electric transmission line in this state.

(2) An electric cooperative corporation or association or municipally owned utility that owns an electric transmission facility in this state and has turned over the functional control of such facility to a federally approved authority.

(3) An “*electric transmission owner*” as defined in paragraph “b”.

d. “*Landowner*” means the same as defined in [section 478.2](#).

e. “*Municipally owned utility*” means a “*city utility*” as defined in [section 362.2](#), or an “*electric power agency*” as defined in [section 390.9](#) which is comprised solely of cities or solely of cities and other political subdivisions.

2. An incumbent electric transmission owner has the right to construct, own, and maintain an electric transmission line that has been approved for construction in a federally registered planning authority transmission plan and which connects to an electric transmission facility owned by the incumbent electric transmission owner. Where a proposed electric transmission line would connect to electric transmission facilities owned by two or more incumbent electric transmission owners, each incumbent electric transmission owner whose facility connects to the electric transmission line has the right to construct, own, and maintain the electric transmission line individually and equally. If an incumbent electric transmission owner declines to construct, own, and maintain its portion of an electric transmission line that would connect to electric transmission facilities owned by two or more incumbent electric transmission owners, then the other incumbent electric transmission owner or owners that own an electric transmission facility to which the electric transmission line connects has the right to construct, own, and maintain the electric transmission line individually.

3. If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, and the electric transmission line is not subject to a right of first refusal in accordance with the tariff of a federally registered planning authority, then within ninety days of approval for construction, an incumbent electric transmission owner, or owners if there is more than one owner, that owns a connecting electric transmission facility shall give written notice to the board regarding whether the incumbent electric transmission owner or owners intend to construct, own, and maintain the electric transmission line. If the incumbent electric transmission owner or owners give notice of intent to construct the electric transmission line, the incumbent electric transmission owner or owners shall follow the applicable franchise requirements pursuant to [this chapter](#). If the incumbent electric transmission owner or owners give notice declining to construct the electric transmission line, the board may determine whether another person may construct the electric transmission line.

4. For projects where an election to construct an electric transmission line has been made under [this section](#), all of the following cost accountability measures shall apply:

a. Within thirty days after the issuance of a franchise pursuant to [this chapter](#) for the electric transmission line, the incumbent electric transmission owner or owners shall provide to the board an estimate of the cost to construct the electric transmission line.

b. Until construction of the electric transmission line is complete, the incumbent electric transmission owner or owners shall provide a quarterly report to the board, which shall

include an updated estimate of the cost to construct the electric transmission line and an explanation of changes in the cost estimate from the prior cost estimate.

5. [This section](#) shall not modify the authority of the board under [this chapter](#), the rights of landowners under [this chapter](#), or the requirements, rights, and obligations relating to the construction, maintenance, and operation of electric transmission lines pursuant to [this chapter](#).

6. [This section](#) shall not apply to an electric transmission line to be placed underground that has not been approved for construction in a federally registered planning authority transmission plan.

7. The board shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).
[2020 Acts, ch 1121, §128](#)